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Agenda item 142

# UNITED NATIONS DECADE OF INTERNATIONAL LAW

## Report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law

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## I. INTRODUCTION

1. On 25 November 1992, the General Assembly adopted resolution 47/32 entitled "United Nations Decade of International Law", to which was annexed, as an integral part thereof, the "Programme for the activities for the second term (1993-1994) of the United Nations Decade of International Law". Section V, paragraph 3, of the Programme reads as follows:

> "The Secretariat, on the basis of informal consultations with the members of the Sixth Committee, should draw up a preliminary operational plan for a possible United Nations congress on public international law, based on the proposal that the congress should be held in 1994 or 1995, and within existing resources and assisted by voluntary contributions, and submit it to the Sixth Committee for consideration by general agreement at the forty-eighth session of the General Assembly."

Furthermore, in paragraph 7 of the resolution, the General Assembly requested the Secretary-General to submit to the Assembly at its forty-eighth session a report containing the above-mentioned plan.

2. Pursuant to these requests, informal consultations were arranged on 14 and 27 May 1993 with members of the Sixth Committee on a draft preliminary operation plan for a possible United Nations congress on public international law.

3. The present preliminary operational plan takes into consideration the relevant provisions of General Assembly resolution 47/32 and views expressed during the said informal consultations. It is designed to assist the Sixth Committee in the consideration of this question at the forty-eighth session of the General Assembly.

## II. PURPOSE OF THE CONGRESS

4. While the precise theme of the congress would have to be decided by the General Assembly, upon the recommendation of the Sixth Committee, the fact that the congress would take place within the framework of the United Nations Decade of International Law indicates that its purpose would be the promotion of the role of international law in international relations. The congress should be organized in such a way as to ensure that all major legal systems, all regions and all segments of the international legal profession would have an opportunity to be heard and to be represented.

5. In making its decision on the theme of the congress, the General Assembly may wish to consider that the congress might address both theory and practice of international law, and take into account the fact that the teaching and dissemination of international law is of great importance, in particular to States that have recently joined the international community.

## III. TIMING OF THE CONGRESS

6. The congress should be convened at United Nations Headquarters, in New York, not earlier than 1995, in order to allow for sufficient time for its preparation. The General Assembly, upon the recommendation of the Sixth Committee, would have to take a decision as to the timing and the duration of the congress. The following possibilities could be envisaged as to the precise timing of the congress:

(a) The congress could be held in conjunction with a session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

(b) The congress could be held in conjunction with a regular session of the General Assembly (Sixth Committee);

(c) The congress could be held at a time independent from any other planned meeting.

7. If the congress were to be held in conjunction with a session of the Special Committee on the Charter, as suggested by some delegations during the informal consultations, or in conjunction with a regular session of the General Assembly (Sixth Committee), as also suggested by other delegations, the following considerations, inter alia, would need to be taken into account in deciding between these two options: the extent of the presence in New York for the purpose of the session in question of members of delegations who would also attend the congress; the extent of financial assistance provided for delegations from the least developed countries with respect to participation in that session; the other meetings and activities taking place at that time; and the availability of large conference rooms, in particular the General Assembly Hall, and other conference services.*

8. The duration of the congress should not exceed five working days; it should not be less than three working days since the subjects to be covered are too vast to be addressed meaningfully in a shorter period of time, and since a shorter period of time would not justify the travel by many participants to the Congress to New York.

## IV. ORGANIZATION OF WORK

9. The General Assembly, on the recommendation of the Sixth Committee, would have to take a decision on the specific topics to be discussed at the congress.

10. Each day of the congress could be divided into either two plenary meetings, i.e., one in the morning (10 a.m.-1 p.m.) and one in the afternoon (3 p.m.-6 p.m.); or a plenary meeting in the morning and one or more consecutive, not simultaneous, working group meetings on specific issues in the

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* The use of the General Assembly Hall for the purpose of the congress during a session of the Assembly would require special arrangements.

afternoon. All the necessary services and facilities (conference rooms, including the General Assembly Hall, simultaneous interpretation from and into all official languages of the United Nations, recording of the proceedings, distribution of documents, etc.) would have to be available.

11. It is suggested that, during each plenary meeting, a number of selected speakers would lead the discussion on specific topics. This could be followed by interventions from the floor (comments, questions and answers).

12. In view of the importance of the congress, an opening and closing statement may be made by a high-ranking individual, who is well-known in the field of public international law.

13. The congress would also benefit from a properly organized coverage of its work by the mass-media, including television, newspapers and magazines. Publishing the materials of the congress for distribution to various educational, research, governmental, judicial and public institutions throughout the world could also be considered, but would depend on the availability of resources.

## V. ISSUES REGARDING PARTICIPATION IN THE CONGRESS

### A. Participants

14. Participation in the congress would be broadly based and it should be open to all those interested in international law, both in theory and in practice, and particularly to the following:

(1) Members of the International Court of Justice;

(2) Members of the International Law Commission;

(3) Diplomats/delegates to the Sixth Committee;

(4) Officials from the legal offices of the ministries of foreign affairs and of the ministries of justice;

(5) National judges;

(6) Members of parliament;

(7) Professors of public international law and of related subjects (for example, political science, international relations and international organizations);

(8) Officials from legal offices of international organizations, including regional organizations;

(9) Representatives of non-governmental organizations active in the area of public international law and which have consultative status with the Economic and Social Council;

(10) Representatives of the media dealing with issues of international law on a regular basis.*

## B. Notice to participants

15. The best way of reaching the participants under categories (3) to (7) would be by a note verbale to the Permanent Representatives, requesting them to inform their Governments about the congress. The Governments would, in turn, be requested to publicize and transmit the information to all prominent individuals under categories (3) to (7). A background note containing information about the congress and promoting its purposes and relevant activities could be prepared by the Secretariat and attached to the note verbale. The Governments could also be requested to publicize the background note, without cost to the Secretariat. Letters of invitation could be sent from the Secretariat to the members of the International Court of Justice and the International Law Commission. Similar letters would be sent to the other categories of participants (categories (8) to (10) in para. 14 above). An appropriate procedure would need to be devised to widely publicize the congress, such as notices in leading journals of public international law.

## C. Decisions regarding admission

16. It is important to avoid an unbalanced regional representation of the participants in the congress. It would therefore seem helpful to require advance registration for the congress, which, except for members of the International Court of Justice and the International Law Commission, should be in the form of a request for admission. If provisional limits were to be put on the number of participants from a particular region or country, they would have to be readjusted in light of the results of the registration process. The "first come first served" principle should, in this context, be taken into account. In the case of countries with a very large number of interested individuals, any other criterion would not be workable. It should be borne in mind that the congress is not intended only for persons who have achieved international recognition. The final decision as to admission could rest with either of the following:

(a) the Sixth Committee, possibly through the regional groups;

(b) the Secretariat.

The total number of participants would of course depend on the capacity of the conference rooms available at the time of the congress.

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* A decision could also be taken to allow a limited number of observers from the general public, which might be interested in attending the meetings of the congress.

### D. Selection of speakers

17. The selection of speakers for the congress should also meet the requirements of balanced regional representation and of expertise of the speakers in each of the particular topics of discussion. For practical considerations, once the General Assembly has decided on the topics to be discussed at the congress, the selection of the speakers should be made by the Secretariat, in consultation with the members of the Sixth Committee.

## VI. FINANCING OF THE CONGRESS

18. As indicated above, General Assembly resolution 47/32 provides that the congress should be held within existing resources and be assisted by voluntary contributions. Since it would still involve programme budget implications, however, and involve commitment of United Nations resources, it would be necessary for the Secretary-General to submit a statement of programme budget implications of any draft resolution on the holding of a congress. In view of the financial restrictions placed on the congress, preparations would be dependent to some extent on the availability of extrabudgetary resources.

19. It is anticipated that staff resources for substantive preparation of the congress and for substantive servicing of its meeting could be accommodated from within the staff resources of the Office of Legal Affairs. The other major costs arising would relate to conference servicing, public information coverage and travel and subsistence of at least some of the participants.

### A. Conference servicing and public information coverage

20. On a theoretical full cost basis, all three options for the timing of the congress described in paragraph 6 above would have the same financial implications for conference services. However, under options (a) and (b), and provided the length of the session of the Special Committee on the Charter or of the Sixth Committee was reduced accordingly, resources from within the entitlement of either one of those organs could be used to service the congress, in which case no actual additional costs would be involved for meeting services. As to option (c), the pattern of the biennial schedule of meetings is such that from mid-January to the end of July all permanent resources are fully utilized. Unless the congress were to be held either in the first two weeks of January or the first two weeks of August, financial costs for the recruitment of free-lance conference servicing still would be involved.

21. A substantial component of conference servicing costs, however, consists of the processing, translation, and printing of documentation. If the documentation for the congress is kept to a minimum (for example, limited to the congress programme, a list of participants and a compilation of summaries of main statements), it is anticipated that the costs of conference servicing can be absorbed within existing resources.

22. As regards public information coverage of the congress, it is not anticipated that requirements could be absorbed within existing resources. Depending on the nature and degree of coverage, and the regular demands on services of the Department of Public Information, additional resources would be required.

## B. Travel and subsistence

23. The participation of designated speakers would be one of the prerequisites of the congress. In order to ensure that financial considerations do not constitute an obstacle to their participation in the congress, it is crucial that travel costs and subsistence for the period of their participation in the Congress be covered.

24. The travel and subsistence cost of speakers could not be borne by the United Nations within existing resources. They would thus have to be borne through financing from external sources, such as voluntary contributions, or directly by the Government of each speaker. Participation may thus depend on the availability of extrabudgetary resources or contributions in kind. It is hoped that the travel and subsistence costs of speakers will be borne by their respective Governments.

## C. Possible external sources of financing

25. In its decision to hold the congress, the General Assembly may wish to include an invitation to Governments and non-governmental institutions, including non-governmental organizations, to make voluntary financial contributions towards the financing of the congress, or to cover particular costs, such as the travel and subsistence costs of speakers (see paras. 21-23 above), and to authorize the Secretariat to solicit contributions from non-governmental sources. In accordance with the Financial Regulations and Rules of the United Nations, a trust fund would have to be established by the Secretary-General for receiving financial contributions. It will not be possible to estimate the extent of financing that might be available from voluntary contributions until approaches are made to possible donors.

26. With respect to non-governmental sources, and with the authorization of the General Assembly, voluntary contributions could be solicited, for example, from individuals by means of general solicitations (for example, in relevant journals or publications). In addition, private-sector corporations and enterprises (for example, legal publishers), as well as major foundations and philanthropic institutions, could be approached to make contributions, or to undertake to cover particular types of costs. Contributions could also be solicited from professional and academic associations, and non-governmental organizations concerned with international law.

27. It should be underscored that, as stated in paragraph 18 above, unless such financial issues are settled, no activity relating to the convening of the congress can be set in motion.

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# INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

## Report of the Secretary-General

1. Under the terms of Article 73 e of the Charter of the United Nations, "Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government" undertake to transmit regularly to the Secretary-General information "... relating to economic, social and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply". In addition, the General Assembly, in several resolutions, the most recent of which was resolution 47/14 of 16 November 1992, requested the administering Powers concerned "to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned".

2. The table annexed to the present report shows the dates on which information called for under Article 73 e of the Charter was transmitted to the Secretary-General in respect of the years from 1991 to 1993.

3. The information transmitted under Article 73 e of the Charter follows in general the standard form approved by the General Assembly and includes information on geography, history, population and economic, social and educational conditions. In the case of Territories under the administration of New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the annual reports on the Territories also include information on constitutional matters. Additional information on political and constitutional developments on Tokelau is given by the representative of New Zealand during meetings of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Supplementary information is also made available by New Zealand, the United Kingdom and the United States concerning Territories under their administration.

4. In compliance with the provisions of paragraph 5 of General Assembly resolution 1970 (XVIII) of 16 December 1963 and other relevant resolutions of the Assembly, including in particular resolution 47/14, the Secretariat has continued to use the information transmitted in the preparation for the Special Committee of working papers on each Territory. The Special Committee has taken this information into account in formulating its decisions on these Territories, which are set forth in the relevant chapters of the Committee's report to the General Assembly at its current session (see A/48/23 (Parts V-VIII)). The report also contains an account of the action taken by the Special Committee in implementation of resolution 1970 (XVIII) (A/48/23 (Part IV), chap. VIII).

Annex

DATES OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS AND PERIOD COVERED a/

| | Information received in 1992 | | Information received in 1993 | |
|---|---|---|---|---|
| | Date of transmission | Period covered | Date of transmission | Period covered |
| FRANCE | | | | |
| New Caledonia b/ | - | - | - | - |
| NEW ZEALAND (1 July-30 June) c/ | | | | |
| Tokelau | 11 June 1992 | 1990/91 | 5 April 1993 | 1991/92 |
| PORTUGAL | | | | |
| East Timor d/ | - | - | - | - |
| SPAIN | | | | |
| Western Sahara e/ | - | - | - | - |
| UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND | | | | |
| Anguilla | - | - | 13 July 1993 | 1991/93 |
| Bermuda | 9 April 1992 | 1989-1991 | 12 April 1993 | 1992 |
| | 22 June 1992 | 1992 | 21 May 1993 | 1990/92 |
| British Virgin Islands | 9 April 1992 | 1991 | 13 July 1993 | 1992 |
| Cayman Islands | 21 April 1992 | 1992 | - | - |
| Falkland Islands (Malvinas) | - | - | 29 July 1993 | 1992/93 |
| Gibraltar | 7 April 1992 | 1990 | 12 April 1993 | 1991 |
| Montserrat | - | - | 26 March 1993 | 1992 |
| Pitcairn | - | - | 26 April 1993 | 1991 |
| St. Helena (including Tristan da Cunha) | 4 March 1992 | 1990/91 | 21 May 1993 | 1991/92 |
| | 31 August 1992 | 1991/92 | 20 Sept. 1993 | 1992/93 |
| Turks and Caicos Islands | - | - | 24 Sept. 1993 | 1992-1994 |
| UNITED STATES OF AMERICA (1 October-30 September) f/ | | | | |
| American Samoa | 7 April 1992 | 1990/91 | 12 July 1993 | 1991/92 |
| Guam | 7 April 1992 | 1990/91 | 12 July 1993 | 1991/92 |
| United States Virgin Islands | 7 April 1992 | 1990/91 | 12 July 1993 | 1992/93 |

(Footnotes on following page)

(Footnotes to annex)

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a/ For a preliminary list of territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960) applies, see Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), annex I.

b/ According to its resolution 41/41 A of 2 December 1986, the General Assembly "considers that, in the light of the provisions of Chapter XI of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), New Caledonia is a Non-Self-Governing Territory within the meaning of the Charter".

c/ Period extends from 1 July of the year listed to 30 June of the following year.

d/ In a note verbale dated 6 April 1979 (A/34/311), the Permanent Representative of Portugal to the United Nations informed the Secretary-General that the conditions still prevailing in East Timor prevented his Government from assuming its responsibilities for the administration of that Territory. He subsequently informed the Secretary-General (A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219 and A/44/262) that the Portuguese Government had nothing to add to the information already provided in that note. In a note verbale dated 19 March 1990 (A/45/172), the Permanent Representative said that since the Portuguese Government continued to be prevented "de facto" from exercising its responsibilities for the administration of East Timor due to the latter's illegal occupation by a third country, it remained unable to provide any information concerning the Territory. On 5 April 1993 (A/48/130), the Permanent Representative referred to the information contained in his note of 28 March 1991 (A/46/131) the terms of which, he stated, remained valid.

e/ On 26 February 1976, the Permanent Representative of Spain to the United Nations informed the Secretary-General that "the Spanish Government, as of today, definitely terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record: ... (a) Spain considers itself henceforth exempt from any responsibility of an international nature in connection with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory ..." (A/31/56-S/11997). For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976.

f/ Period extends from 1 October of the previous year to 30 September of the year listed.

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Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-eighth year

Letter dated 22 September 1993 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued on 10 September 1993 by the Government of Thailand on the agreement between the Palestine Liberation Organization and Israel on limited autonomy in the Gaza Strip and the West Bank town of Jericho (see annex).

I should be grateful if you could have this letter and its annex circulated as a document of the General Assembly, under agenda items 34 and 35, and of the Security Council.

(Signed) Nitya PIBULSONGGRAM
Ambassador
Permanent Representative

ANNEX

Statement dated 10 September 1993 by the Government of Thailand on the Agreement between the Palestine Liberation Organization and Israel

1. The Royal Thai Government is happy to learn that the peaceful process of the Middle East peace negotiations, which Thailand has supported all along, has produced a preliminary agreement between Israel and the Palestine Liberation Organization.

2. The Royal Thai Government hopes that this agreement would contribute significantly to the entire Middle East peace process and will enhance its expeditious attainment, so that peace and prosperity will prevail in the Middle East region.

3. The Royal Thai Government hopes that this historic arrangement will lead to further agreements acceptable to all parties concerned, so that a durable peace, with no residual problems, may be achieved.

4. The Royal Thai Government would like to applaud all concerned for their painstaking efforts and noble sacrifices to enable this agreement to become a practical reality.

5. The Royal Thai Government would like to urge all parties to render their full support to enable this peace settlement to become a durable and practical one.

6. The Royal Thai Government will monitor this positive development closely and will render its full support to the peace process through all peaceful means.

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# ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

## Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

## Report of the Secretary-General

### I. INTRODUCTION

1. The General Assembly, by its resolution 3068 (XXVIII) of 30 November 1973, adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid and appealed to all States to sign and ratify it as soon as possible.

2. By its resolution 3380 (XXX) of 10 November 1975, the General Assembly, convinced that ratification of or accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid on a universal basis and implementation of its provisions were necessary for the achievement of the goals of the Decade for Action to Combat Racism and Racial Discrimination, appealed to the Governments of all States to sign, ratify and implement the Convention without delay and requested the Secretary-General to submit to it annual reports on the status of the Convention.

3. By its resolution 31/80 of 13 December 1976, the General Assembly welcomed the entry into force on 18 July 1976 of the Convention, appealed to all States that had not yet become parties to the Convention to accede thereto, requested the Secretary-General to include in his annual report under General Assembly resolution 3380 (XXX) a special part concerning the implementation of the Convention, and decided to consider annually, starting with its thirty-second session, the question entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

4. By its resolution 47/81, of 16 December 1992, the General Assembly appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay.

## II. STATUS OF THE CONVENTION

5. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976.

6. As at 31 August 1993, the total number of ratifications, accessions and successions to the Convention was 98. A list of States that have signed, ratified, acceded or succeeded to the Convention and the dates of their signature, ratification, accession or succession appears in the annex to the present report.

7. In paragraph 6 of its resolution 47/81, the General Assembly requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention.

## III. IMPLEMENTATION OF THE CONVENTION

8. Under article VII of the Convention, the States parties undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention. Copies of the reports are transmitted through the Secretary-General to the Special Committee against Apartheid.

9. In accordance with article IX, paragraphs 1 and 3, of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII. The group may meet for a period of not more than five days, either before the opening or after the closing date of the session of the Commission, to consider the reports submitted in accordance with article VII.

10. Under article X of the Convention, the States parties to the Convention empower the Commission on Human Rights to undertake a number of tasks enumerated therein, inter alia, to prepare, on the basis of reports from competent organs of the United Nations and periodic reports from States parties, a list of individuals, organizations, institutions and representatives of States that are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention.

11. By its resolution 46/84 of 16 December 1991, the General Assembly commended those States parties to the Convention that had submitted their reports under article VII thereof and requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa, and further requested the Secretary-General to include in his

next annual report a special section concerning the implementation of the Convention.

12. The Group of Three on the implementation of the Convention, appointed by the Chairman of the Commission on Human Rights under article IX of the Convention, was composed of the representatives of Burundi, the Russian Federation and Venezuela. The Group met at the United Nations Office at Geneva from 25 to 29 January 1993. It had before it reports submitted since the forty-seventh session of the Commission on Human Rights by seven States parties.

13. In its report to the Commission on Human Rights at its forty-ninth session (E/CN.4/1993/54), the Group of Three, inter alia, noted with great concern that, as at 31 December 1992, more than 190 reports were overdue under the Convention, and it strongly urged the States parties concerned to fulfil their reporting obligations and to expedite the submission of their overdue reports, as requested by the General Assembly in its resolution 47/81. The Group called upon all States parties to the Convention to incorporate in their legislation provisions relating to the "crime of apartheid", including practices of racial segregation and discrimination, in accordance with article II of the Convention, and to provide appropriate penalties in respect of persons guilty of the crime of apartheid, as stipulated in article IV (b) of the Convention, and in that connection it reiterated the view that consideration should be given to the drawing up of model legislation that would serve the States parties as a guide for the implementation of the provisions of the Convention. It wished to appeal once again to States parties, through the Commission on Human Rights, to strengthen their cooperation at the international level and to adopt legislative and administrative measures to implement fully and expeditiously, in accordance with the Charter of the United Nations, the decisions taken by the Security Council and other competent organs of the United Nations and its specialized agencies aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention. The Group wished to emphasize once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited the States parties to include information on those measures in their reports. It also reiterated its opinion that the assistance given to national liberation movements in South Africa should be strengthened and called upon the international community to contribute generously to such movements. With reference to Economic and Social Council resolution 1992/34, of 30 July 1992, the Group joined the Council in inviting Governments, entrepreneurs and enterprises, including transnational corporations, to give their full and concerted support to the vulnerable and critical process now under way in South Africa, with a view to achieving the total eradication of the apartheid system and the establishment of a united, non-racial and democratic South Africa. While the Group noted that some progress had been made in South Africa and that a dialogue had taken place between the South African authorities and the political leaders of the majority of the people, it reiterated its conviction that the maintenance of comprehensive and mandatory sanctions, as well as other forms of pressure against the racist regime in South Africa, was an important and effective means available to the international community for putting an end to the system of apartheid. At the same time, the Group considered that it would be desirable to undertake serious efforts to bring to an end the policies and practices of apartheid of the Government of South Africa through negotiations based on the principle of justice and peace for all, as stated in

the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted unanimously by the General Assembly at its sixteenth special session in resolution S-16/1, of 14 December 1989.

14. By its resolution 1993/10, of 26 February 1993, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", the Commission on Human Rights took note with appreciation of the report of the Group of Three, and in particular of the conclusions and recommendations contained therein; recommended once again that all States parties should taken full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex); called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa; appealed to States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid in accordance with article VI of the Convention and with the Charter of the United Nations; urged the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa; requested the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct the entrenched socio-economic inequalities; and requested the Group of Three to continue to meet every two years to consider the reports submitted by States parties in accordance with article VII of the Convention.

## Annex

### LIST OF STATES THAT HAVE SIGNED, RATIFIED, ACCEDED OR SUCCEEDED TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID AS AT 31 AUGUST 1993

| State | Date of signature | Date of receipt of the instrument of ratification, accession or succession |
|---|---|---|
| Afghanistan | | 6 July 1983 a/ |
| Algeria | 23 January 1974 | 26 May 1982 |
| Antigua and Barbuda | | 7 October 1982 a/ |
| Argentina | 6 June 1975 | 7 November 1985 |
| Armenia | | 23 June 1993 |
| Bahamas | | 31 March 1981 a/ |
| Bahrain | | 27 March 1990 a/ |
| Bangladesh | | 5 February 1985 a/ |
| Barbados | | 7 February 1979 a/ |
| Belarus | 4 March 1974 | 2 December 1975 |
| Benin | 7 October 1974 | 30 December 1974 |
| Bolivia | | 6 October 1983 a/ |
| Bulgaria | 27 June 1974 | 18 July 1974 |
| Burkina Faso | 3 February 1976 | 24 October 1978 |
| Burundi | | 12 July 1978 a/ |
| Cambodia | | 28 July 1981 a/ |
| Cameroon | | 1 November 1976 a/ |
| Cape Verde | | 12 June 1979 a/ |
| Central African Republic | | 8 May 1981 a/ |
| Chad | 23 October 1974 | 23 October 1974 |
| China | | 18 April 1983 a/ |
| Colombia | | 23 May 1988 a/ |
| Congo | | 5 October 1983 a/ |
| Costa Rica | | 15 October 1985 a/ |
| Croatia | | 12 October 1992 b/ |
| Cuba | | 1 February 1977 a/ |
| Czech Republic | | 22 February 1993 b/ |
| Ecuador | 12 March 1975 | 12 May 1975 |
| Egypt | | 13 June 1977 a/ |
| El Salvador | | 30 November 1979 a/ |
| Estonia | | 21 October 1991 a/ |
| Ethiopia | | 19 September 1978 a/ |
| Gabon | | 29 February 1980 a/ |
| Gambia | | 29 February 1978 a/ |
| Ghana | | 1 August 1978 a/ |

| State | Date of signature | Date of receipt of the instrument of ratification, accession or succession |
|---|---|---|
| | h 1974 | 3 March 1975 |
| Guinea | 1 Mar | 30 September 1977 a/ |
| Guyana | | 19 December 1977 a/ |
| Haiti | | 20 June 1974 |
| Hungary | 26 Apr 1 1974 | 22 September 1977 a/ |
| India | | |
| Iran (Islamic Republic of) | | 18 April 1985 a/ |
| Iraq | 1 Jul 1975 | 9 July 1975 |
| Jamaica | 30 Mar h 1976 | 18 February 1977 |
| Jordan | 5 Jun 1974 | 1 July 1992 |
| Kenya | 2 Oct ber 1974 | |
| Kuwait | | 23 February 1977 a/ |
| Lao People's Democratic Republic | | 5 October 1981 a/ |
| Latvia | | 14 April 1992 a/ |
| Lesotho | | 4 November 1983 a/ |
| Liberia | | 5 November 1976 a/ |
| Libyan Arab Jamahiriya | | 8 July 1976 a/ |
| Madagascar | | 26 May 1977 a/ |
| Maldives | | 24 April 1984 a/ |
| Mali | | 19 August 1977 a/ |
| Mauritania | | 13 December 1988 a/ |
| Mexico | | 4 March 1980 a/ |
| Mongolia | 17 May 1974 | 8 August 1975 |
| Mozambique | | 18 April 1983 a/ |
| Namibia | | 11 November 1982 a/ |
| Nepal | | 12 July 1977 a/ |
| Nicaragua | | 28 March 1980 a/ |
| Niger | | 28 June 1978 a/ |
| Nigeria | 26 Jul e 1974 | 31 March 1977 |
| Oman | 3 Ap 11 1974 | 22 August 1991 |
| Pakistan | | 27 February 1986 a/ |
| Panama | 7 Ma 1976 | 16 March 1977 |
| Peru | | 1 November 1978 a/ |
| Philippines | 2 Ma 1974 | 26 January 1978 |
| Poland | 7 Ju e 1974 | 15 March 1976 |
| Qatar | 18 Ma ch 1975 | 19 March 1975 |

| State | Date of signature | Date of receipt of the instrument of ratification, accession or succession |
|---|---|---|
| Romania | 6 September 1974 | 15 August 1978 |
| Russian Federation | 12 February 1974 | 26 November 1975 |
| Rwanda | 15 October 1974 | 23 January 1981 |
| Saint Vincent and the Grenadines | | 9 November 1981 a/ |
| Sao Tome and Principe | | 5 October 1979 a/ |
| Senegal | | 18 February 1977 a/ |
| Seychelles | | 13 February 1978 a/ |
| Slovakia | | 28 May 1993 b/ |
| Slovenia | | 6 July 1992 b/ |
| Somalia | 2 August 1974 | 28 January 1975 |
| Sri Lanka | | 18 February 1982 a/ |
| Sudan | 10 October 1974 | 21 March 1977 |
| Suriname | | 3 June 1980 a/ |
| Syrian Arab Republic | 17 January 1974 | 18 June 1976 |
| Togo | | 24 May 1984 a/ |
| Trinidad and Tobago | 7 April 1975 | 29 October 1979 |
| Tunisia | | 21 January 1977 a/ |
| Uganda | 11 March 1975 | 10 June 1986 |
| Ukraine | 20 February 1974 | 10 November 1975 |
| United Arab Emirates | 9 September 1975 | 15 October 1975 |
| United Republic of Tanzania | | 11 June 1976 a/ |
| Venezuela | | 28 January 1983 a/ |
| Viet Nam | | 9 June 1981 a/ |
| Yemen | | 17 August 1987 a/ |
| Yugoslavia | 17 October 1974 | 1 July 1975 |
| Zaire | | 11 July 1978 a/ |
| Zambia | | 14 February 1983 a/ |
| Zimbabwe | | 13 May 1991 a/ |

a/ Accession.

b/ Succession.

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UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/439
1 October 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 107

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Financial situation of the Committee on the Elimination of Racial Discrimination

Report of the Secretary-General

1. Pursuant to article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex), States parties "shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties".

2. At its forty-seventh session, the General Assembly considered the report of the Secretary-General concerning the question of financing the expenses of the members of the Committee (A/47/481) and adopted resolution 47/79, of 16 December 1992, in which the Assembly, inter alia, recalling the urgent appeals made by the Secretary-General, the Assembly, the meetings of States parties to the Convention and the Committee itself to the States parties to honour their financial obligations under the Convention, expressed its profound concern at the fact that a number of States parties to the International Convention had still not fulfilled their financial obligations; expressed once again its concern that such a situation might lead to further delay in discharging the substantive obligations of the Committee under the Convention; strongly appealed to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention and to pay their outstanding contributions and, if possible, their contributions for 1993 before 1 February 1993, so as to enable the Committee to meet regularly; and requested the Secretary-General to invite those States parties which were in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-eighth session.

3. Additionally, the General Assembly, in its resolution 47/111, of 16 December 1992, welcomed the reports of the Secretary-General (A/46/650 and A/47/518) examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies; endorsed the amendment to the International Convention on the Elimination of All Forms of Racial

Discrimination which had been adopted at the Fourteenth Meeting of the States Parties to the Convention in January 1992; and requested the Secretary-General to take the appropriate measures to provide for the financing of the Committee on the Elimination of Racial Discrimination from the regular budget of the United Nations for the biennium 1994-1995 and to take the necessary measures to ensure that the Committee meet as scheduled until the amendment enters into force.

4. Acting in his capacity as depositary, the Secretary-General communicated the amendment to all States parties on 1 March 1993.* It will be recalled that at their Fourteenth Meeting, the States parties decided that the amendment would enter into force when accepted by a two-thirds majority of States parties which had so notified the Secretary-General as depositary. As at 15 September 1993, notifications of acceptance had been received from five States parties to the Convention.

5. As at 31 August 1993, the total outstanding assessments and arrears was US$ 311,540.44, as detailed in annex I to the present report.

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* For the text of the notification, see annex II to the present document.

Annex I

RESPONSIBILITIES OF THE STATES PARTIES FOR THE EXPENSES OF THE MEMBERS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 8, PARAGRAPH 6, OF THE CONVENTION

| | | | | | |
|---|---|---|---|---|---|
| 1 | Afghanistan | 2 225.00 | 36 | Egypt | 0.00 |
| 2 | Algeria | 1 177.00 | 37 | El Salvador | 8 039.00 |
| 3 | Antigua and Barbuda | 0.00 | 38 | Estonia | 1 205.00 |
| 4 | Argentina | 2 631.00 | 39 | Ethiopia | 0.00 |
| 5 | Australia | 0.00 | 40 | Fiji | 1 239.00 |
| 6 | Austria | 0.00 | 41 | Finland | 0.00 |
| 7 | Bahamas | 896.00 | 42 | France | 0.00 |
| 8 | Bahrain | 0.00 | 43 | Gabon | 1 784.00 |
| 9 | Bangladesh | 1 753.00 | 44 | Gambia | 8 708.00 |
| 10 | Barbados | 0.00 | 45 | Germany | 18 294.00 |
| 11 | Belarus | 3 295.00 | 46 | Ghana | 877.00 |
| 12 | Belgium | 0.00 | 47 | Greece | 1 524.00 |
| 13 | Bolivia | 1 239.00 | 48 | Guatemala | 2 285.20 |
| 14 | Botswana | 0.00 | 49 | Guinea | 1 780.80 |
| 15 | Brazil | 4 056.00 | 50 | Guyana | 0.00 |
| 16 | Bulgaria | 0.00 | 51 | Haiti | 2 627.00 |
| 17 | Burkina Faso | 7 506.83 | 52 | Holy See | 0.00 |
| 18 | Burundi | 9 776.00 | 53 | Hungary | 0.00 |
| 19 | Cambodia | 3 121.00 | 54 | Iceland | 0.00 |
| 20 | Cameroon | 1 819.04 | 55 | India | 1 562.00 |
| 21 | Canada | 7 004.00 | 56 | Iran (Islamic Republic of) | 2 411.00 |
| 22 | Cape Verde | 8 039.00 | 57 | Iraq | 0.00 |
| 23 | Central African Republic | 8 660.89 | 58 | Israel | 3 269.00 |
| 24 | Chad | 1 088.40 | 59 | Italy | (1.00) |
| 25 | Chile | 2 021.00 | 60 | Jamaica | 1 239.00 |
| 26 | China | 0.00 | 61 | Jordan | 0.00 |
| 27 | Colombia | 1 108.91 | 62 | Kuwait | 0.00 |
| 28 | Congo | 3 474.00 | 63 | Lao People's Democratic Republic | 0.00 |
| 29 | Costa Rica | 4 760.86 | 64 | Latvia | 1 322.00 |
| 30 | Côte d'Ivoire | 490.00 | 65 | Lebanon | 1 239.00 |
| 31 | Cuba | 1 035.00 | | | |
| 32 | Cyprus | 0.00 | 66 | Lesotho | 2 225.00 |
| | Czechoslovakia | (502.00) | 67 | Liberia | 8 016.00 |
| 33 | Denmark | 15.00 | 68 | Libyan Arab Jamahiriya | 3 366.00 |
| 34 | Dominican Republic | 4 415.00 | 69 | Luxembourg | 0.00 |
| 35 | Ecuador | 921.00 | 70 | Madagascar | 1 778.87 |

| | | |
|---|---|---|
| 71 | Maldives | 877.00 |
| 72 | Mali | 1 727.00 |
| 73 | Malta | 0.00 |
| 74 | Mauritania | 3 162.00 |
| 75 | Mauritius | 0.00 |
| 76 | Mexico | 0.00 |
| 77 | Mongolia | 1 753.00 |
| 78 | Morocco | 0.00 |
| 79 | Mozambique | 5 974.00 |
| 80 | Nepal | 1 753.00 |
| 81 | Netherlands | 0.00 |
| 82 | New Zealand | 0.00 |
| 83 | Nicaragua | 3 121.00 |
| 84 | Niger | 3 627.00 |
| 85 | Nigeria | 3 150.00 |
| 86 | Norway | 0.00 |
| 87 | Pakistan | 975.01 |
| 88 | Panama | 2 018.00 |
| 89 | Papua New Guinea | 1 239.00 |
| 90 | Peru | 3 444.00 |
| 91 | Philippines | 774.89 |
| 92 | Poland | 15.00 |
| 93 | Portugal | 1 260.00 |
| 94 | Qatar | 0.00 |
| 95 | Republic of Korea | 2 425.00 |
| 96 | Romania | 0.00 |
| 97 | Russian Federation | 30 899.00 |
| 98 | Rwanda | 1 753.00 |
| 99 | St. Lucia | 0.00 |
| 100 | St. Vincent and the Grenadines | 7 514.00 |
| 101 | Senegal | 60.81 |
| 102 | Seychelles | 1 753.00 |
| 103 | Sierra Leone | 9 536.00 |
| 104 | Slovenia | 0.00 |
| 105 | Solomon Islands | 3 121.00 |
| 106 | Somalia | 7 905.00 |
| 107 | Spain | 4 777.00 |
| 108 | Sri Lanka | 877.00 |
| 109 | Sudan | 4 387.00 |
| 110 | Suriname | 3 961.00 |
| 111 | Swaziland | 877.00 |
| 112 | Sweden | 3 003.00 |
| 113 | Syrian Arab Republic | 0.00 |
| 114 | Togo | 2 244.04 |
| 115 | Tonga | 1 675.00 |
| 116 | Trinidad and Tobago | 1 775.17 |
| 117 | Tunisia | 0.00 |
| 118 | Uganda | 1 239.00 |
| 119 | Ukraine | 6 648.00 |
| 120 | United Arab Emirates | 0.00 |
| 121 | United Kingdom of Great Britain and Northern Ireland | 0.00 |
| 122 | United Republic of Tanzania | 2 775.00 |
| 123 | Uruguay | 936.00 |
| 124 | Venezuela | 1 788.00 |
| 125 | Viet Nam | 3 121.00 |
| 126 | Yemen | 1 801.00 |
| 127 | Yugoslavia | 2 557.00 |
| 128 | Zaire | 832.00 |
| 129 | Zambia | (1 471.28) |
| 130 | Zimbabwe | 2 086.00 |
| | Totals | 311 540.44 |

Annex II

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION OPENED FOR SIGNATURE AT NEW YORK ON 7 MARCH 1966

Approval by the General Assembly of the United Nations of the proposed amendment to article 8

The Secretary-General of the United Nations, acting in his capacity as depositary, and with reference to depositary notification C.N.285.1991.TREATIES-4 of 20 December 1991, communicates the following:

It will be recalled that the States parties to the above-mentioned Convention, at the twenty-second meeting of the Fourteenth Meeting of the States Parties, held on 15 January 1992, decided as follows:

"1. To replace paragraph 6 of article 8 of the Convention with the paragraph 'The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention.';

"2. To add a new paragraph, as article 8, paragraph 7, [as follows:] 'The members of the Committee established under the present Convention shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide.';

"4. That the amendment shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States parties which shall have so notified the Secretary-General as depositary;"

The General Assembly endorsed the amendment at its forty-seventh session (resolution 47/111 of 16 December 1992). In accordance with the above-quoted paragraph 4, it will enter into force when it is accepted by the required number of States parties which shall have so notified the Secretary-General.

1 March 1993

Reference: C.N.419.1992.TREATIES-5

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